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Attorneys for Plaintiff
OUTLAW LABORATORY, LP

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

OUTLAW LABORATORY, LP, a
Texas limited partnership,

Plaintiff,

vs.

TREPCO IMPORTS &
DISTRIBUTION, LTD. D/B/A
TREPCO WEST D/B/A TREPCO
SALES COMPANY D/B/A
KENNEDY WHOLESALE, a
Michigan Corporation, DAVID
WEBBER D/B/A WHOLE SCIENCE
HEALTH D/B/A PASSION PLUS,
an individual, HILAL SOHAM
TOMA D/B/A CITY SMOKES &
VAPORS, an individual, HIGUCHI
DEVELOPER, INC., a Nevada
Corporation, ALPHA SMOKE SHOP
INC, a Nevada Corporation,

CASE NO. 18-cv-369

COMPLAINT FOR:

- (1) FALSE ADVERTISING IN
VIOLATION OF THE
LANHAM ACT § 43 (a)(1)(B));
AND**
- (2) VIOLATION OF THE CIVIL
RACKETEER INFLUENCED
AND CORRUPT
ORGANIZATIONS ACT
(RICO)**

[DEMAND FOR A JURY TRIAL]

1 MUKUND NAIK D/B/A JAY'S
2 SMOKE SHOP & GIFT SHOP, an
3 individual, RYAN STORE INC
4 D/B/A A&A SMOKE SHOP, a
5 Nevada Corporation, MIRACLE 21
6 CORPORATION D/B/A
7 CIGARETTES FRAGRANCES, a
8 Nevada Corporation, HIGH CLASS
9 HOOKAH SHOP, L.L.C., a Nevada
10 Limited Liability Company, JTR
11 INCORPORATED D/B/A MR.
12 BILL'S PIPE & TOBACCO
13 COMPANY, a Nevada Corporation,
14 and DOES 1 through 100, inclusive,
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Defendants.

Plaintiff Outlaw Laboratory, LP, a Texas limited partnership (“OLP” or “Plaintiff”), by and through its undersigned attorneys, submits this Complaint against defendants TREPCO IMPORTS & DISTRIBUTION, LTD. D/B/A TREPCO WEST D/B/A TREPCO SALES COMPANY D/B/A KENNEDY WHOLESALE, a Michigan Corporation (“Trepco”), DAVID WEBBER D/B/A WHOLE SCIENCE HEALTH D/B/A PASSION PLUS, an individual (“Passion Plus”), HILAL SOHAM TOMA D/B/A CITY SMOKES & VAPORS, an individual (“City Smokes”), HIGUCHI DEVELOPER, INC., a Nevada Corporation (“Higuchi”), ALPHA SMOKE SHOP INC, a Nevada Corporation (“Alpha Smoke”), MUKUND NAIK D/B/A JAYS SMOKE SHOP & GIFT SHOP, an individual (“JAYS SMOKE”), RYAN STORE INC D/B/A A&A SMOKE SHOP, a Nevada Corporation (“A&A SMOKE”), MIRACLE 21 CORPORATION D/B/A CIGARETTES FRAGRANCES, a Nevada Corporation (“Miracle”), HIGH CLASS HOOKAH SHOP, L.L.C., a Nevada Limited Liability Company (“High Class Hookah”), JTR INCORPORATED D/B/A MR. BILL’S PIPE & TOBACCO COMPANY, a Nevada Corporation (“Mr Bill’s”), and DOES 1 through 100, inclusive, (collectively, the “Defendants”), and in support thereof avers as follows:

INTRODUCTION

1. Defendants are engaged in a scheme to distribute and sell illegal “male enhancement” pills containing undisclosed pharmaceuticals to the general public. Specifically, Defendants offer for sale various sexual enhancement products, including but not limited to, Black Mamba, Black Panther, Grande X 5800, Libigrow XXX Treme, Triple PowerZEN Gold, Triple PowerZEN Plus, Rhino 7 Platinum 3000, Rhino 7 Platinum 5000, Rhino 8 Platinum 8000, Rhino 12 Titanium 6000, Super Panther 7k, OrgaZen 3500 and Stiff Nights (collectively, the “Enhancement Products”). All of the Enhancement Products have been the subject of laboratory testing and public announcements by the FDA, which found these products to contain hidden drug ingredients such as sildenafil (a prescription drug), desmethyl carbodenafil (an analogue

1 of sildenafil), dapoxetine (an unapproved anti-depressant drug) and tadalafil (a
2 prescription drug), among other dangerous undisclosed ingredients.

3 2. The Enhancement products are distributed by Trepco, Passion Plus and Does
4 1-10 (the “Supplier Defendants”) through a network of co-conspirators, named herein as
5 co-defendants (the “Retail Defendants”), who own and operate independent businesses
6 selling the Enhancement Products, and who profit from the sale of the illegal and
7 dangerous products by making false statements including that the Enhancement Products
8 are “all natural” and have limited side effects. Aside from these patently false
9 statements, Defendants have failed to disclose the true nature of the Enhancement
10 Products to its customers, even though they are aware of the dangerous secret
11 ingredients.

12 3. Plaintiff is the manufacturer of competing products called “TriSteel” and
13 “TriSteel 8hour,” which are DSHEA-compliant male enhancement products made in the
14 United States and distributed for sale in all 50 US States.

15 4. The illegal male enhancement supplement industry has flourished in the
16 shadows of intermittent enforcement of nutritional supplement laws. In this regard, the
17 FDA has issued several public notices regarding the use of sildenafil in over the counter
18 “male enhancement” supplements, but has only taken action on a handful of cases. The
19 Supplier Defendants and the Retail Defendants have taken full advantage of this
20 regulatory landscape, making significant profits selling dangerous products while openly
21 engaging in illegal activity.

22 5. Thus, Plaintiff’s only recourse is a civil action to protect the commercial
23 interests recognized by the Lanham Act and to expose the civil conspiracy detailed
24 herein. As such, Defendants have knowingly and materially participated in a false and
25 misleading advertising campaign to promote and sell its Enhancement Products, giving
26 consumers the false impression that these products are safe when in reality, Defendants
27 are well aware that the Enhancement Products contain hidden drug ingredients.

1 6. Defendants' false and misleading statements and advertising pose extreme
2 health risks to consumers in at least two ways. First, Defendants mislead consumers into
3 believing that the advice and authorization of a licensed medical professional is not
4 required to mitigate or avoid the potentially life-threatening side effects, drug interactions
5 and contraindications of the sildenafil and other drug ingredients hidden in the
6 Enhancement Products. Second, by failing to inform consumers that the Enhancement
7 Products contain sildenafil, consumers who know that their medical history and drug
8 prescriptions make sildenafil consumption dangerous may nevertheless consume the
9 Enhancement Products because they are not made aware they contain sildenafil.

10 7. Defendants have knowingly and materially participated in false and
11 misleading marketing, advertising and labeling to promote and sell the Enhancement
12 Products, giving consumers the false impression that these products are safe and natural
13 dietary supplements when in reality Defendants know that the Enhancement Products
14 contain artificially manufactured prescription drug ingredients that pose extreme health
15 dangers when taken without the supervision of a licensed medical professional.

16 8. Such false and misleading marketing and advertising is extremely dangerous
17 to individual consumers and harmful to the dietary supplement industry as a whole.
18 Defendants have created an illegitimate marketplace of consumers seeking to enhance
19 their sexual performance but who are not informed, or who are misinformed, of the
20 serious dangers of using Defendants' Enhancement Products. Consumers of the
21 Enhancement Products have little or no incentive to use natural, legitimate and safe
22 sexual performance enhancement products, such as Plaintiff's TriSteel or TriSteel 8hour,
23 until they are harmed or Defendants' Enhancement Products are taken off of the shelves.
24 Defendants' continuing false, misleading, illegal and deceptive practices have violated
25 the Lanham Act and have unjustly enriched Defendants at the expense of Plaintiff, and
26 have harmed Plaintiff's commercial interests, including but not limited to, loss of
27 revenue, disparagement and loss of goodwill.

1 9. Among other things, this action seeks to enjoin Defendants from the
2 marketing and sale of any and all of the Enhancement Products, disgorgement of
3 Defendants' profits, treble damages, punitive damages and attorneys' fees as Defendants
4 are illegally and falsely marketing such products in violation of the Lanham Act and the
5 Civil Racketeer Influenced and Corrupt Organizations Act of 1970.

6 **JURISDICTION AND VENUE**

7 10. This Court has subject matter jurisdiction over this action pursuant to 15
8 U.S.C. § 1121 and 28 U.S.C. § 1331 (federal question jurisdiction).

9 11. This Court has personal jurisdiction over Defendants because they have,
10 directly or through their intermediaries (including distributors, retailers, and others),
11 developed, licensed, manufactured, shipped, distributed, offered for sale, sold, and
12 advertised their products, including but not limited to the Enhancement Products, in the
13 United States, the State of Nevada and this district. Defendants have purposefully and
14 voluntarily placed these products into the stream of commerce with the expectation that
15 they will be purchased in this district.

16 12. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2)
17 because a substantial part of the events or omissions which gave rise to the claim
18 occurred in this district.

19 **PARTIES**

20 13. Plaintiff Outlaw Laboratory, LP is a Texas limited partnership organized
21 under the laws of the State of Texas.

22 14. Upon information and belief, Trepcos Imports & Distribution, LTD. d/b/a
23 Trepcos West d/b/a Trepcos Sales Company d/b/a Kennedy Wholesale is a Michigan
24 Corporation with its principal place of business located at 1201 E Lincoln, Madison Hts,
25 Michigan 48071.

1 15. Upon information and belief, defendant David Webber d/b/a Whole Science
2 Health d/b/a Passion Plus is an individual with its principal place of business located at
3 2546 E Charleston Blvd, Las Vegas, Nevada 89104.

4 16. Upon information and belief, defendant Hilal Soham Toma d/b/a City
5 Smokes & Vapors is an individual with its principal place of business located at 1775 E
6 Tropicana Ave Ste 8, Las Vegas, Nevada 89119.

7 17. Upon information and belief, defendant Higuchi Developer, Inc. is a Nevada
8 Corporation with its principal place of business located at 5151 Procyon St. Suite 108,
9 Las Vegas, Nevada 89118.

10 18. Upon information and belief, defendant Alpha Smoke Shop, Inc. is a
11 Nevada Corporation with its principal place of business located at 3250 N Tenaya Way
12 Ste 101, Las Vegas, Nevada 89032.

13 19. Upon information and belief, defendant Mukund Naik d/b/a Jay's Smoke
14 Shop & Gift Shop is an individual with its principal place of business located at 3266 N
15 Las Vegas Blvd, Las Vegas, Nevada 89115.

16 20. Upon information and belief, defendant Ryan Store Inc d/b/a A&A Smoke
17 Shop is a Nevada Corporation with its principal place of business located at 1040 E
18 Flamingo Rd. Ste E, Las Vegas, Nevada 89119.

19 21. Upon information and belief, defendant Miracle 21 Corporation d/b/a
20 Cigarettes Fragrances is a Nevada Corporation with its principal place of business located
21 at 4270 Blue Diamond Rd., Ste 106, Las Vegas, Nevada 89139.

22 22. Upon information and belief, defendant High Class Hookah Shop L.L.C. is a
23 Nevada Limited Liability Company with its principal place of business located at 5651 S
24 Grand Canyon Dr, Ste 120, Las Vegas, Nevada 89148.

25 23. Upon information and belief, defendant JTR Incorporated d/b/a Mr. Bill's
26 Pipe & Tobacco Company is a Nevada Corporation with its principal place of business
27 located at 2575 Montessouri St., Ste 105, Las Vegas, Nevada 89117.

24. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does 1-100, inclusive, and therefore sued these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of these fictitiously named defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged were proximately caused by the aforementioned defendants.

FACTUAL ALLEGATIONS

Sildenafil

25. The FDA has approved sildenafil for treatment of erectile dysfunction. However, because of known side effects, drug interactions and contraindications, the FDA has deemed sildenafil to be a prescription drug that can only be administered under the supervision of a medical professional.

26. The serious side effects of sildenafil include, for example, priapism (i.e., prolonged penile erections leading to tissue death and potential permanent erectile dysfunction), severe hypotension (i.e., low blood pressure), myocardial infarction (i.e., heart attack), ventricular arrhythmias, stroke, increased intraocular pressure (i.e., increased eye fluid pressure), anterior optic neuropathy (i.e., permanent optic nerve damage), blurred vision, sudden hearing loss, and dizziness.

27. The serious negative drug interactions of sildenafil include, for example, (i) interacting with alkyl nitrites and alpha-1 blockers to cause angina and life-threatening hypotension, (ii) interacting with protease inhibitors to increase the incidence and severity of side effects of sildenafil alone, and (iii) interacting with erythromycin and cimetidine to cause prolonged plasma half-life levels.

28. In addition to these risks, contraindications of sildenafil include underlying cardiovascular risk factors (such as recent heart surgery, stroke or heart attack) since

1 consumption of sildenafil by individuals with these conditions can greatly increase the
2 risk of heart attack.

3 29. Because of these dangerous side effects, drug interactions and
4 contraindications, the advice and authorization of appropriate licensed medical
5 professionals is absolutely crucial for the safe consumption of sildenafil. Without such
6 safeguards, the consequences can be dire; the sale of mislabeled sildenafil in similar
7 circumstances has led to multiple deaths reported in the media.

8 **Defendants' Conspiracy**

9 30. The Supplier Defendants are wholesale suppliers and distributors of various
10 sexual enhancement supplements, which are often imported from China, rarely disclose
11 any manufacturer information on their packaging and contain hidden drug ingredients.
12 The Enhancement Products are generally sold in single-pill form. The Supplier
13 Defendants distribute the Enhancement Products through a network of co-conspirators,
14 named herein as co-defendants (the "Retail Defendants"), who own and operate
15 independent businesses selling the Enhancement Products, and profit from the sale of the
16 illegal and dangerous products to consumers at a large markup on each pill.

17 31. The Supplier Defendants contact retailers such as the Retail Defendants and
18 offer the Enhancement Products for sale. The Enhancement Products are high-margin
19 products and as such are situated at or near the checkout counter. The Enhancement
20 Products are all subject to FDA public announcements regarding their illicit contents;
21 however, the Retail Defendants still participate in their sale, due to their profitability.

22 **Defendants' False Statements Regarding The Enhancement Products**

23 32. City Smokes is the owner and operator of the retail location at 1775 E
24 Tropicana Ave. Ste 8, Las Vegas, Nevada 89119, which advertises and offers for sale
25 various sexual enhancement supplements, including without limitation, Libigrow XXX
26 Treme, Super Panther 7k and Stiff Nights.
27

33. Higuchi is the owner and operator of the retail locations at 3755 Las Vegas Blvd Ste 105, Las Vegas, Nevada 89109 and 320 Fremont St., Las Vegas, Nevada 89101, which advertise and offers for sale various sexual enhancement supplements, including without limitation, Rhino 12 Titanium 6000, Rhino 69, Libigrow XXX Treme and Rhino 8 Platinum 8000.

34. Alpha Smoke is the owner and operator of the retail location at 3250 N Tenaya Way Ste 101, Las Vegas, Nevada 89032, which advertises and offers for sale various sexual enhancement supplements, including without limitation, Rhino 12 Titanium 6000, Super Panther 7K, Rhino 8 Platinum 8000, Rhino 7 Platinum 3000 and Libigrow XXX Treme.

35. Jays Smoke is the owner and operator of the retail location at 3266 N Las Vegas Blvd., Las Vegas, Nevada 89115, which advertises and offers for sale various sexual enhancement supplements, including without limitation, Super Panther 7k, Libigrow XXX Treme and Rhino 69.

36. A&A Smoke is the owner and operator of the retail location at 314 S Decatur Blvd, Las Vegas, Nevada 89107, which advertises and offers for sale various sexual enhancement supplements, including without limitation, OrgaZen 3500, Rhino 8 Platinum 8000, Libigrow XXX Treme and Rhino 7 Platinum 5000.

37. Miracle is the owner and operator of the retail location at 4270 Blue Diamond Rd Ste 106, Las Vegas, Nevada 89139, which advertises and offers for sale various sexual enhancement supplements, including without limitation, Libigrow XXX Treme, Rhino 7 Platinum 5000, Rhino 7 Platinum 3000 and Rhino 8 Platinum 8000.

38. High Class Hookah is the owner and operator of the retail locations at 5651 S Grand Canyon Dr Ste 120, Las Vegas, Nevada 89148 and 2400 S Jones Blvd Ste 15, Las Vegas, Nevada 89146 which advertise and offer for sale various sexual enhancement supplements, including without limitation, Triple Green, Rhino 8 Platinum 8000, Rhino 69 and Libigirl.

1 39. Mr. Bill's is the owner and operator of the retail location at 4441 W
2 Flamingo Ave, Las Vegas, Nevada 89103, which advertises and offers for sale various
3 sexual enhancement supplements, including without limitation, Rhino 7 Platinum 5000
4 and Rhino 8 Platinum 8000.

5 40. The Defendants commercially market, advertise, distribute, offer for sale
6 and profit from the Enhancement Products. The Enhancement Products claim that they
7 are "ALL NATURAL," a "NATURAL FORMULA," with "NO HARMFUL synthetic
8 chemicals" and "NO PRESCRIPTION necessary." They also claim to offer "NO
9 HEADACHE" and to have limited side effects. However, such claims are materially
10 false and misleading. Contrary to Defendants' statements, recent FDA laboratory
11 analyses have confirmed that the Enhancement Products contain sildenafil, a synthetic
12 pharmaceutical with profound side effects, among other hidden drug ingredients.

13 41. Defendants' false statements and advertising pose extreme health risks to
14 consumers in at least two ways. First, by stating that no prescription is necessary to
15 consume the Enhancement Products, Defendants mislead consumers into believing that
16 the advice and authorization of a licensed medical professional is not required to mitigate
17 or avoid the potentially life-threatening side effects, drug interactions and
18 contraindications of sildenafil hidden in the Enhancement Products. Second, by failing to
19 inform consumers that the Enhancement Products contain sildenafil, consumers who
20 know that their medical history and drug prescriptions make sildenafil consumption
21 dangerous may nevertheless consume the Enhancement Products because they are
22 unaware that they contain sildenafil.

23 42. Accordingly, Defendants' false and misleading advertising is extremely
24 dangerous to individual consumers and harmful to the dietary supplement industry as a
25 whole. Defendants have created an illegitimate marketplace of consumers seeking to
26 enhance their sexual performance but who are not informed, or who are misinformed, of
27 the serious dangers of using Defendants' Enhancement Products. The ubiquity of the

Enhancement Products, their relatively low cost to manufacture in comparison to natural products, and their dramatic pharmacologic effects makes it so that legitimate sexual performance enhancement products, such as TriSteel or TriSteel 8hour, struggle to obtain market share.

Plaintiff's Dietary Supplements: TriSteel and TriSteel 8hour

43. Plaintiff OLP is a manufacturer of DSHEA-compliant dietary supplements. Plaintiff manufactures and offers for sale TriSteel and TriSteel 8hour, male sexual performance enhancement supplements that promote increased sexual desire and stamina. The ingredients in TriSteel are Epimedium Extract (leaves), Yohimbe Extract (8mg Yohimbine Alkaloids), Xanthoparmelia Scabrosa Extract (Lichen), Gamma Amino Butyric Acid (GABA), L-Arginine, Gelatin, Cellulose, Magnesium Stearate and Silica. Plaintiff sells TriSteel and TriSteel 8hour in all 50 states through its website, as well as through many other online and storefront retail locations.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(False Advertising in Violation of Section 43(a)(1)(B) of the Lanham Act)

44. Plaintiff incorporates the allegations contained in the foregoing paragraphs as though fully set forth herein in their entirety.

45. Defendants have knowingly and purposely made false and misleading descriptions of fact concerning the nature, characteristics and qualities of the Enhancement Products by, without limitation, commercially marketing and claiming that the Enhancement Products that they sell are safe and natural "dietary supplements" that will enhance a consumer's sexual performance without requiring a doctor's prescription, all while purposefully omitting that (a) the Enhancement Products contain sildenafil and therefore cannot be "dietary supplements," (b) sildenafil is not naturally occurring, (c) sildenafil is a prescription drug requiring the prior authorization and supervision of a licensed medical professional, and (d) consumption of sildenafil without consultation and

1 advice from a licensed medical professional poses extreme health risks, including without
2 limitation, hypotension, heart attack and death.

3 46. The use of such false, misleading and disingenuous marketing has the
4 tendency to deceive a substantial segment of the public and consumers, including those in
5 this district, into believing that they are purchasing a product with different
6 characteristics.

7 47. This deception is material because: (i) it is likely to influence a consumer's
8 purchasing decision, especially if the consumer (a) is looking for an all-natural sexual
9 enhancement dietary supplement, (b) is purchasing the Enhancement Products out of an
10 attempt to avoid Sildenafil because the consumer knows that Sildenafil poses special
11 health risks given such consumer's medical history or current drug prescriptions, and/or
12 (c) wants to avoid taking any prescription drugs, generally, but especially without the
13 supervision of a licensed medical professional; and (ii) such decision could lead to
14 dangerous and unanticipated health consequences for such consumers.

15 48. Defendants have introduced their false and misleading statements into
16 interstate commerce via marketing and advertising on product packages and labels, and
17 on display cases placed in retail locations in the state of Nevada.

18 49. Plaintiff has been injured as a result of Defendants' false and misleading
19 statements. Specifically, Defendants' false and misleading advertising concerning the
20 Enhancement Products has negatively impacted Plaintiff's sales of TriSteel and TriSteel
21 8hour because both products are intended for sexual performance enhancement and target
22 the same consumers. Thus, Plaintiff has suffered both an ascertainable economic loss of
23 money and reputational injury by the diversion of business from Plaintiff to Defendants
24 and the loss of goodwill in Plaintiff's products. The ubiquity of the Enhancement
25 Products, their relatively low cost to manufacture in comparison to natural products (like
26 TriSteel and TriSteel 8hour), and their dramatic pharmacologic effects makes it so that
27 legitimate sexual performance enhancement products, such as TriSteel or TriSteel 8hour,

1 struggle to obtain market share. Moreover, Defendants conduct has created reputational
 2 damage in that Defendants' misconduct damages the marketplace as a whole and has the
 3 tendency to disparage Plaintiff's products and goodwill.

4 50. Defendants' actions, as described above, constitute false and misleading
 5 descriptions and misrepresentations of fact in commerce that, in commercial advertising
 6 and promotion, misrepresent the nature, characteristics, and qualities of its products in
 7 violation of Section 43(a)(1)(B) of the Lanham Act.

8 **SECOND CLAIM FOR RELIEF**

9 **(Violation of the Civil Racketeer Influenced and Corrupt Organizations Act)**

10 51. Plaintiff incorporates the allegations contained in the foregoing paragraphs
 11 as though fully set forth herein in their entirety.

12 52. Defendants are engaged in an enterprise to defraud and mislead consumers
 13 by way of their false and misleading labeling and advertisements concerning the
 14 Enhancement Products, which they unlawfully distribute, market, and offer for sale
 15 knowing that the products contain illicit ingredients. Thus, Defendants have a plan or
 16 scheme to defraud and intent to defraud.

17 53. Defendants have used the wires to further the scheme on multiple occasions
 18 in purchase orders sent and received and in the unlawful distribution of the Enhancement
 19 Products containing hidden drug ingredients. For example, Higuchi repeatedly purchased
 20 Rhino 8 Platinum 8000, Rhino 12 Titanium 6000 and Libigrow XXX Treme from
 21 Trepcos. The Supplier Defendants have all engaged in similar transactions with the Retail
 22 Defendants. The Retail Defendants in turn sell the Enhancement Products to the public
 23 at large using the wires. Thus, Defendants have engaged in wire fraud as defined in 18
 24 USC § 1961(1) & §1343.

25 54. As detailed above, Defendants mislabel, advertise, and offer for sale the
 26 Enhancement Products as "dietary supplements." Defendants falsely claim that these
 27

1 products are natural and do not require a prescription, among other misrepresentations.
2 Defendants make these misrepresentations despite the fact that they know that such
3 products unlawfully contain hidden prescription drug ingredients.

4 55. Indeed, Defendants fail to disclose that the Enhancement Products contain
5 drug ingredients. The sale of products containing undisclosed drug ingredients (without
6 requiring a prescription and without informing consumers of the health and safety risks
7 of these drugs) is unlawful and seriously endangers consumers. In this regard,
8 Defendants also fail to disclose any of the adverse health consequences of taking
9 sildenafil. According to the FDA, these undisclosed ingredients may interact with
10 nitrates found in some prescription drugs such as nitroglycerin and may lower blood
11 pressure to dangerous levels, among other negative side effects.

12 56. Thus, Defendants market and sell the Enhancement Products using false and
13 fraudulent labeling claims and representations, using the wires, in violation of federal
14 law.

15 57. Defendants have knowingly imported, purchased, and sold the Enhancement
16 Products to be delivered by commercial interstate carrier, including but not limited to,
17 use of the mails in furtherance of their scheme to defraud and mislead consumers of their
18 products.

19 58. Defendants have violated the substantive RICO statute, 18 U.S.C.A. § 1962,
20 as detailed above by receiving income from a pattern of racketeering activity involving
21 interstate commerce, wires, and electronic communications.

22 59. Plaintiff has been injured in its business or property by reason of
23 Defendants' violation of section 1962 by, *inter alia*, the diversion of business from
24 Plaintiff to Defendants who compete directly for the same customers. Moreover, the
25 ubiquity of the Enhancement Products, their relatively low cost to manufacture in
26 comparison to natural products (like TriSteel and TriSteel 8hour), and their dramatic
27 pharmacologic effects makes it so that legitimate sexual performance enhancement

1 products, such as TriSteel or TriSteel 8hour, struggle to compete, directly hurting
2 Plaintiff's business. The dangers of Defendants sale of the Enhancement Products, and
3 its resultant harm to consumers, including multiple reported deaths in the media, has also
4 injured Plaintiff's business by tainting the marketplace for male enhancement products as
5 a whole.

6 **PRAYER**

7 Wherefore, Plaintiff OLP prays for judgment against Defendants as follows:

8 60. For preliminary and permanent injunctive relief enjoining Defendants from
9 producing, licensing, marketing, and selling any of the Enhancement Products, including
10 but not limited to, Black Mamba, Black Panther, Grande X 5800, Libigrow XXX Treme,
11 Triple PowerZEN Gold, Triple PowerZEN Plus, Rhino 7 Platinum 3000, Rhino 7
12 Platinum 5000, Rhino 8 Platinum 8000, Rhino 12 Titanium 6000, Super Panther 7k,
13 OrgaZen 3500 and Stiff Nights;

14 61. For an award of compensatory damages to be proven at trial in accordance
15 with 15 U.S.C. § 1117;

16 62. For an award of any and all of Defendants' profits arising from the
17 foregoing acts in accordance with 15 U.S.C. § 1117 and other applicable laws;

18 63. For restitution of Defendants' ill-gotten gains;

19 64. For treble damages in accordance with 15 U.S.C. § 1117;

20 65. For treble damages in accordance with 18 U.S.C. § 1964;

21 66. For punitive damages;

22 67. For costs and attorneys' fees; and

23 ///

24 ///

25 ///

68. Any other relief the Court may deem appropriate.

DATED: February 28, 2018

Lerner & Weiss

By: /s/ Landon Lerner
Landon Lerner
Attorneys for Outlaw Laboratory, LP

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: February 28, 2018

Lerner & Weiss

By: /s/ Landon Lerner
Landon Lerner
Attorneys for Outlaw Laboratory, LP